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REVIEWS.

The Speaker of the House of Representatives. By M. P. FOLLETT. With an Introduction by Albert Bushnell Hart, Ph.D. New York, Longmans, Green & Co., 1896.—xxvi, 378 pp.

In a brief preface Miss Follett expresses in generous terms her sense of obligation to helpers, especially to Professor Hart, without whose “continued help . . . this study would never have been completed,” and “to Radcliffe College, which, in connection with Harvard College, makes such work possible.” The admirably written introduction, contributed by Professor Hart, tells of the importance of the subject, of the reasons for the neglect with which it has been treated hitherto, of the spirit and methods of the author, of the arrangement of the book and of some of its more important conclusions. The speaker, says Professor Hart, is, next to the president, the most powerful man in the nation, and his power is increasing. No “publicist or statesman” has “made the speakership his study,” because “public men do not stop to consider the familiar powers of the speaker. The ordinary books on public law pass him over, because he is hardly mentioned in the constitution. . . . While to the general public . . . the speakership, as a powerful office, . . . is less in the public eye” than the presidency. “Another reason why there has hitherto been no study of the speaker, founded on investigation, is the volume and variety of the sources which have needed to be examined.” He adds: To study the historical growth of the speaker’s office, and to show from the actual practice of Congress what his functions have been and now are, has been the long and patient task of Miss Follett. . . . This book represents the strenuous labor of a well-equipped investigator for more than half of each year during four successive years. Whatever may be done by diligent search into the records, by visits to Washington, by conferences with ex-speakers and by a comparison of all her varied material has been done by the author. . . . Miss Follett appears to have worked in an impartial and scientific spirit to solve a knotty problem in history and practical government.

Professor Hart, finding the author’s conclusions to be “that the speaker’s power is necessary and salutary; that he was never intended to be a moderator, but from the beginning had and exercised political leadership; that he is the only visible means of escape from a legis-

lative chaos ; and that it is to the interest of good government that the speaker exercise the responsibility which has gradually come upon him," declares that he himself is convinced by the voluminous and carefully sifted evidence which she presents, " that the speaker's present status is a natural, normal and inevitable development of our system of government, and promises good and not evil."

The earlier sections of Miss Follett's first chapter, on the "Genesis of the Speaker's Power," give in brief outline an interesting account of the speakership of the House of Commons, from its first appearance late in the fourteenth century until the beginning in the eighteenth of that final stage of development which has transformed the incumbent of this office from a cringing servant of the crown into the dignified, independent, impartial and greatly respected speaker of to-day. Of equal interest is the account, in the later sections of the same chapter, of the development of the speakership in America during the colonial and revolutionary periods. Here, in the course of the eventful seventeenth and eighteenth centuries, the office became, through the acquisition of political functions, radically different from its English prototype, which was and still is little more than a moderatorship. It is to these political functions, slowly but securely established during the long struggles between colonial assemblies and royal governors, that the author traces the parentage of the most distinctive and, we may add, useful features of our Congressional speakership as now constituted.

The second chapter is on the "Choice of the Speaker." In this the discussion of the principles of choice is suggestive and instructive. Miss Follett holds that parliamentary knowledge and experience and previous service in the House have some weight ; that strife for sectional advantage is a factor of considerable importance. But

of much greater influence than any sectional claims . . . are the many private schemes of individuals and corporations. Men with special interests to be advanced, or those anxious to obtain government subsidies in aid of some commercial enterprise, take an active part in the election of the man from whom they hope to get the most assistance. A very important factor in the speaker's election is his personal popularity. . . . The speaker, moreover, must be a man whom his party can unreservedly trust ; . . . who will so organize the House, regardless of all personal interests and private feelings, that it shall act in harmony with the party. . . . New men come to Washington, some anxious for promotion and fame, many with high motives, . . . yet for an opportunity to show their capacity for public usefulness and to gain national distinction, they are wholly dependent upon the

good sense, justice and good-will of the speaker ; a candidate, therefore, who has these qualities in a large degree, will be likely to gain their support. . . . The prospect of places on committees of course influences many votes. . . . Another important factor in the speaker's election is the relative probability of success. . . . The motives, however, which have by far the most influence . . . are purely political. . . . Each member asks himself in regard to the various candidates, "Will this man constitute the committees as I wish, and will he allow the bills which I favor to be brought in ?

The discussion of the principles of choice is followed by a clear, but perhaps too condensed, account of the contested elections in 1839, 1849, 1855 and 1859.

In the third chapter—to the general reader perhaps the most attractive of all—we have a brief account of each speakership from 1789 to 1895. In the course of the narrative it becomes evident that the growth of the speaker's power has been hastened and, in a considerable degree, its peculiar forms determined by the stronger men, such as Clay, Blaine, Carlisle and Reed, who have held the speakership.

Chapters IV to VII are devoted to a study of the parliamentary, as distinguished from the political, powers and duties of the speaker. In the fifth chapter Miss Follett shows that the speaker's vote "is not only more than a casting-vote, but . . . something quite different." "The speaker of the House of Commons gets his right to vote through his position as speaker ; the speaker of the House of Representatives through his position as a member of the assembly." She shows that by the rules the speaker is obliged to vote "to break a tie, to make a tie, to complete a two-thirds vote and, when his vote is necessary, to make a quorum" ; while some speakers have claimed and at times have actually exercised the right to vote on any pending question, "this claim rests upon the lack of prohibition."

After showing in the sixth chapter that the rights and duties of the speaker in respect to the "Maintenance of Order" are not greatly different from those belonging to the moderators of similar legislative assemblies, Miss Follett takes up in the next chapter the subject of "Dealing with Obstruction." :

Representative institutions rest on the principle of government by majorities, but they should include also the protection of the minority. . . . Of late years the minority has carried the protection afforded it by the rules beyond all legitimate use to an attempt to thwart the legislation of a responsible majority. The methods of obstruction are many, but the two principal devices are : breaking a quorum by refusing to vote, and interposing dilatory motions.

This statement of the situation is followed by a fair and full account of the way in which, under the bold leadership of Mr. Reed, the speaker has acquired the powers which enable him to keep obstruction within convenient limits. It is no longer possible for those who are present to break a quorum by refusing to vote ; dilatory motions are of no avail, since the speaker need not recognize them. The victory and its usefulness are indisputable, but the victory has been purchased at considerable cost ; Anglo-Saxons have been loath to allow to any presiding officers the power to make absolutely final decisions binding upon the house. And it is true that in conjunction with the enormous influence which the speaker already possesses, it is a power which might be abused. Its justification lies in the absolute necessity that some one assure to the House the opportunity for the proper discharge of its functions.

Chapters VIII, IX and X, entitled respectively, "Power through the Committee System," "Power through Recognition" and "Power as a Political Leader," treat in an effective way of the increasingly important aspects of the speakership as a political institution. The foundation of the speaker's political power is the right conferred by the first Congress to appoint the committees of the House. This right has come to include the right to appoint to the chairmanships. The principles which guide the speaker in the discharge of this function, as generally understood, are "the interests of his party." But "since the speaker always owes his election to the dominant faction of his own party, he naturally gives to that faction the preference in the construction of the committees." The author makes in this connection a statement which is calculated to astonish if not alarm.

Lately, moreover, there has grown up the theory, among the speakers at least, that the chair has the right to have and to pursue a policy of its own ; so that recent occupants of the office have been known to accomplish their ends in direct opposition to what has seemed . . . the predominant opinions of their party.

It is, however, his "power through recognition" that exhibits the control of the speaker over legislation in its most personal and, to many, most disquieting, not to say offensive, form. The way in which this power is sometimes exercised is not consistent with the respect due to a Congressman and to the constituency which he represents. Even Miss Follett, who would not lessen the prerogatives of the speaker, admits that "the subject of recognition is one of the most difficult to adjust in the whole legislative system."

The tenth chapter opens with the assertion that "the speaker of the House of Representatives is the acknowledged leader of his party in the House." In earlier times he was but one of the leaders and often not the foremost. To-day he stands distinctly at the head. Moreover, he shows at least a tendency to aspire to do more than merely embody the will of his party in national legislation ; he would become a real premier and devise the policy of his party. The chapter points out the opportunities for leadership not hitherto considered which the speaker now enjoys, the most important of which is that which comes to him as chairman of the committee on rules.

The final chapter is on "The Speaker's Place in our Political System." This contains a summary of the powers of the speaker, a view of their origin and the causes of their development, and a frank confession that the speaker is not, but should be, responsible : "The one thing in the present position of the speaker which is much to be regretted, and which will always tend to produce evil results until remedied, is the possession of such important prerogatives without definite responsibility." The chapter proceeds with a discussion of this important question of the responsibility of "the speaker as the head of the legislative department" and as an executive officer, and closes with "a plea for a better adjustment."

The six useful appendices which follow include a "Bibliography of the Speakership" and the rules of the House of Representatives. The table of contents and index are ample and well made. Throughout the book numerous footnotes acquaint the reader with the sources studied and the authorities consulted.

The foregoing analysis of Miss Follett's work, although brief, makes extended comment unnecessary. The importance of the theme is not open to question. That the treatment is of rare excellence will be conceded by every thoughtful reader. In few recent works belonging to the field of politics and history do we find so much evidence of the conditions which are essential to the making of a good book—a well-chosen theme, grasp of subject, mastery of material, patient, long-continued, wisely directed labor, good sense and good taste.

There are two respects in which the book seems to me defective. In the first place, I do not think that Miss Follett has presented with adequate fullness the evils which result directly from the centralization of so great powers in the hands of the speaker. She does not overstate the extent of this centralization in saying that "Congress no longer exercises its lawful function of law-making ; . . . it is not

even the maker of the legislative power; it is but the maker of the real maker, the speaker of the House of Representatives." This means a degradation not only of the Congressman, but also of the constituency that he represents, and therefore of the people of the United States. The House of Representatives has ceased to be a place where a man can be sure of an opportunity for public service at all commensurate with his zeal and capacity. It has become a place where such opportunities are no longer rights, but favors, bestowed partly on personal and partly on party considerations. The ascendancy of the speaker resembles in too many of its aspects the ascendancy of the party boss. Moreover, Congress is a school of politics for the whole country; and the spirit and methods which prevail there are reproduced more or less fully and rapidly all over the Union. The author's conclusion that this centralization is necessary and salutary may be well grounded; but it is prudent not to overlook its cost.

The book seems also to scant another important feature of its general theme—the relationship of the development of the speakership to the development of party government. It can scarcely be doubted that the two are organically related. But the wonder is that in a region so new the author should have succeeded in exploring so far and so well. She has placed every student of politics and political history under heavy obligations.

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Etat Fédéral et Confédération d'États. Par LOUIS LE FUR, Docteur en Droit. Paris, Marchal et Billard, 1896.—xvii, 839 pp.

In the first three hundred and fifty pages of this book the author gathers the material of which he is to make use further on. All of the confederations and federal states which have ever existed are described. The reader finds here an account of the Greek confederations, of the Republic of the United Netherlands, of the Germanic Confederation and the German Empire, of the Swiss Confederation before and after 1848, of the United States, of the federal republics of South America and also of the Dominion of Canada. Such a summary is very convenient, if well done, as it is in this case. The author shows ample and accurate knowledge, and he has the French gift of lucid exposition.

The theoretical or critical, as distinguished from the historical, part of his work, the author begins by a discussion of sovereignty, which he justly regards as distinguishing the state from all lower forms of